

DERRICK WAYNE BURTON §
VS. § CIVIL ACTION NO. 1:05cv409
UNITED STATES OF AMERICA §


In this case, the standards for issuance of a certificate of appealability are not met. For the reasons set forth in the memorandum opinion previously entered, the court finds the issues raised by movant are not subject to debate among jurists of

reason. As a result, movant has not made a substantial showing that the dismissal of his motion to vacate resulted in the denial of a constitutional right. It is therefore

ORDERED that the application for a certificate of appealability is **DENIED**.

Movant has also filed a motion seeking leave to proceed *in forma pauperis* on appeal. This motion is **GRANTED**.

SIGNED this the **9** day of **November, 2005**.


Thad Heartfield
United States District Judge